

February 26, 2013

The monthly meeting of Middletown Zoning Board of Review was held on February 26, 2013, 2013 at 7:00pm. Roll Call: Present at the meeting were Chairman, Peter Van Steeden, Vice Chairman, Thomas Silveira, Stephen MacGillivray (acting secretary), Charles Vaillincourt; Nicholas Pasyanos and Olin Gambrell (alternate). James Miller and Lucy Levada were absent.

Adoption of Minutes – Charles Vaillincourt moves for adoption of the minutes of the January 29, 2013 meeting. Thomas Silveira seconds. The minutes are approved 5-0.

Continuances/Withdrawals:

Petition of: Eugene D. Sullivan, Roberta Costello & Michael S. Chechette (owners) - c/o their attorney Robert M. Silva, Esq.- 1100 Aquidneck Ave- Middletown, RI- Vincent & Laurie Sansone- 325 Oregon Rd- Cheshire, CT (applicants)- for a Variance- from Section 603 & 701- to allow the construction of a single family dwelling with a side yard setback of 5' where 15' is required. Said real estate located at 79 Crest St. and further identified as Lot 141 on Tax Assessor's Plat 116NE. Petitioner seeks to have petition withdrawn without prejudice. Stephen MacGillivray moves to approve withdrawal without prejudice. Charles Vaillincourt seconds. Motion passes 5-0.

Petition of: John R. Gullison & Bonnie Zimble- PO Box 3129-

Newport, RI (owners)- KJ's Pub, Inc- 59 Aquidneck Ave- Middletown, RI (applicant)- by their attorney Jeremiah C. Lynch, III- for a Special Use Permit from Section 602- to expand the service area of a standard restaurant serving alcohol, to include seventeen (17) outdoor seats, as shown on the attached plan. Said real estate located at 59 Aquidneck Ave and further identified as Lot 169 on Tax Assessor's Plat 115SE. The parties report that this matter is almost settled. Accordingly, the petition is continued to March 26, 2013.

Petition of: 957 Plaza Associates, LLC- Polo Center 678 Aquidneck Ave- Middletown, RI (owner)-Site Enhancement Services/ Patrick Huyge- 6001 Nimitz Parkway- South Bend, IN (applicant)- for a Special Use Permit from Sections 1211(D) 2b & 1211 (F) 4a- Advanced Auto Parts is requesting to construct an internally illuminated cloud cabinet wall sign on a 237 square foot sign panel where 70 square feet is allowed. Said real estate located at 957 West Main Rd and further identified as Lot 117 on Tax Assessor's Plat 106. Petitioner indicated that the matter may be dismissed without prejudice. Stephen MacGillivray moves to dismiss the petition without prejudice. Charles Vaillincourt seconds. Motion to dismiss without prejudice passes 5-0.

Full Hearings:

Petition of: Deborah Gold- 10A Barton Ln. - Middletown, RI (owner) - David Fraser- 2 Bristol Rd Unit B- Middletown, RI (applicant) - for a Special Use Permit from Section 602 - to allow the expansion of the

existing two family dwelling by the addition of a 34' x 46' attached garage. Said real estate located at 10 Barton Ln. and further identified as Lot 69 on Tax Assessor's Plat 111.

 

Petition of: Deborah Gold- 10A Barton Ln. - Middletown, RI (owner)- David Fraser- 2 Bristol Rd Unit B- Middletown, RI (applicant)- for a Variance from Sections 603, 701 & 803G- to construct a 34' x 46' two story garage addition with a left side yard setback of 14.7' where 30' is required and a front yard setback of 20.6' where 40' is required. Said real estate located at 10 Barton Ln. and further identified as Lot 69 on Tax Assessor's Plat 111. An abutter, through their attorney Patrick Hayes, has filed a motion to dismiss. Town Solicitor indicates that the matter will be readvertised making the motion to dismiss mute. The matter, including the motion to dismiss, is continued until March 26, 2013.

Petition of: Ronald & Mary Welby- 188 Water St - Portsmouth, RI (owners) - for a Special Use Permit from Article 16 - to allow an accessory family dwelling unit. Said real estate located at 765 Jepson Ln. and further identified as Lot 64A on Tax Assessor's Plat 111. Ronald and Mary Welby present their petition. The parents will be the owner and the adult child will live in the accessory unit. Thomas Silveira moves to grant the petition. Nicholas Pysanos seconds. The petition is granted 5-0.

Petition of: Sachuest Holdings LLC- 130 Bellevue Ave- Newport, RI (owner)- Sharilyn Magill- 6 Doran Ave, Apt. 2- Bristol, RI (applicant)- for a Special Use Permit from Section 602 - to allow therapeutic massage and spa services. Said real estate located at 42 Valley Rd and further identified as Lot 1030 on Tax Assessor's Plat 107SE. Sharilyn Magill testified and present her petition. Charles Vaillincourt moves to grant the petition. Thomas Silveira seconds. Petition is granted 5-0.

Petition of: KSL Investments- 1405 Douglas Ave- N. Providence, RI (owner)- Papa Gino's Inc. d/b/a D'Angelo- 600 Providence Highway- Dedham, MA (applicant)- by their attorney Robert M. Silva, Esq.- for a Variance from Section 1304- to allow the use of the existing premises as a restaurant with eleven (11) parking spaces where fourteen (14) spaces are required. Said real estate located at 401 West Main Rd and further identified as Lot 150 on Tax Assessor's Plat 107SW. Attorney Robert Silva presents petition. Michael O'Dell, the Director of Real Estate for the petitioner, testifies. The petitioner will arrange for off-site parking for employees. Charles Vaillincourt moves to grant the petition. Stephen MacGillivray seconds. The petition is granted 5-0.

Petition of: KSL Investments- 1405 Douglas Ave- N. Providence, RI (owner)- Papa Gino's Inc. d/b/a D'Angelo- 600 Providence Highway- Dedham, MA (applicant)- by their attorney Robert M. Silva, Esq.- for a

Special Use Permit from Sections 902; 1212(A), 1212(B)(2), and 1212(F)- to permit three (3) wall-mounted signs where two (2) wall-mounted signs are allowed and to permit three (3) wall-mounted cloud cabinet signs to be internally illuminated. Said real estate located at 401 West Main Rd. and further identified as Lot 150 on Tax Assessor's Plat 107SW. Attorney Robert Silva presents petition. Bart Steel from Viewpoint Sign and Awning testifies. Five exhibits are offered. Michelle Englais testifies regarding exhibits. Charles Vaillincourt moves to grant the petition. Thomas Silveira seconds. The petition is granted 5-0.

Petition of: DDR Southeast Middletown, LLC c/o Bryan Zabell -3300 Enterprise Pkwy- Beachwood, OH (owner)- Site Enhancement Services c/o Shawn Smith -6001 Nimtz Parkway- South Bend, IN- for a Special Use Permit from Sections 1211 (D) (2) (B) - to allow a 198.17 sq. ft. internally illuminated wall mounted channel letter sign where 70 sq. ft. is allowed. Said real estate located at 1313 West Main Rd and further identified as Lot 707 on Tax Assessor's Plat 112. Chairman Peter Van Steeden directs the petitioner to an earlier Zoning Board decision limiting the size of all size at the property. The matter is continued until March 26, 2013 in order to give the petitioner time to show changed circumstances necessary for hearing notwithstanding earlier decision.

Petition of: Terese M. Mills- 380 Silver Hill Road - Concord, MA (owner)- Terese Mills, Mary Ellen Mills Harney & Michael Harney- 18

Ferrin St- Charlestown, MA (applicant) - by their attorney Vernon L. Gorton, Esq.- 181 Chases Rd- Portsmouth, RI- for a Variance from Sections 603 & 701- to construct a single family dwelling with front yard setback of 10' on Renfrew Ave. and 5' on Newport Ave. where 25' is required and a northerly side yard setback of 5' where 15' is required and lot coverage of 35.30% where 25% is allowed. Said real estate located at Renfrew Ave and further identified as Lot 94 on Tax Assessor's Plat115SE. Vernon Gorton presents the petition. John Tamino, designer, and Terese Mills testify. After extensive hearing, Charles Vaillincourt moves to approve with the conditions that the structure not exceed the height of 29' from the average grade and that the setback on the Newport Avenue side be 6'. Stephen MacGillivray seconds. Petition is granted 5-0.